

REMARKS

The present Amendment is in response to the non-final Office Action mailed March 17, 2008, in the above-identified patent application.

As an initial matter, Applicants acknowledge and appreciate the Examiner's helpful comments provided on page eight (8), paragraph 23 of the Office Action.

In the present Amendment, Applicants have amended claims 1-2, 4-6, 8, 10, 12, 15-18, and 21-22. The above-identified claims were amended in response to informality objections and/or indefiniteness rejections set forth by the Examiner, or in order to render the pending claims more definite. All of the amendments made to claims 1-2, 4-6, 8, 10, 12, 15-18, and 21-22 are fully supported by the originally filed specification and add no new matter. In addition, Applicants have cancelled claims 9, 13-14, and 24-31, which were previously withdrawn from consideration in the present application.

In the present Amendment, Applicants have also added new claims 32-46. New claim 32 depends from claim 1, and new claim 33 depends from claim 2. New claim 34 is an independent claim with claims 35-40 depending therefrom, and new claim 41 is an independent claim with claims 42-46 depending therefrom. New claims 32-46 are fully supported by the originally filed specification, and add no new matter.

Applicants note that 31 claims were originally filed on November 25, 2003. No additional fees are due for adding new claims 32-46 because the present application now has three (3) independent claims and 31 total claims.

In the Office Action, the Examiner objected to claims 5, 6, 8, and 21 as having the informalities identified on page two (2) of the Office Action. In response, Applicants have amended claims 5, 6, 8, and 21 to correct the informalities noted by the Examiner.

In the Office Action, the Examiner rejected claims 8, 12, 15-18, and 21-22 under 35 U.S.C. §112, second paragraph, as being indefinite. In response, Applicants have amended claims 8, 12, 15-18, and 21-22 as indicated above. In view of the above-noted amendments, it is believed that all of the claims in the present application now satisfy the requirements of 35 U.S.C. §112, second paragraph.

In the Office Action, the Examiner rejected claims 1-6 and 10-12 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,591,173 to Schifano. Referring to FIG. 2 thereof, Schifano discloses obstetrics scissors that first clamp and then cut an umbilical cord.

The device includes opposing clamping flanges that move toward one another for clamping the umbilical cord. In contrast, the present invention (FIG. 1) discloses an intravaginal device having occluding elements 20,21 with respective pressure applying surfaces 22, 23 that are distally extendable from the distal end of the device for occluding uterine arteries.

Applicants respectfully assert that claim 1 is unanticipated by Schifano because the cited reference neither teaches nor suggests “an intravaginal device . . . having a first elongated shaft, a first operative proximal shaft section configured to extend out of the patient during treatment, a first distal shaft section with a first pressure applying occluding element secured to the first distal shaft section, and a first mechanism to distally extend at least part of the first pressure applying occluding element from a first position closer to the first operative proximal shaft section to a second position further away from the first operative proximal shaft section.” Claims 2-6, and 10-12 are unanticipated, *inter alia*, by virtue of their dependence from claim 1, which is unanticipated for the reasons set forth above.

The Examiner also rejected claim 8 under 35 U.S.C. §103(a) as being unpatentable over Schifano in view of U.S. Patent No. 6,368,340 to Malecki; claims 21 and 22 under 35 U.S.C. §103(a) as being unpatentable over Schifano; and claims 15-18 under 35 U.S.C. §103(a) as being unpatentable over Schifano in view of U.S. Patent No. 6,045,508 to Hossack et al. In response, Applicants assert that none of these references overcome the deficiencies noted above in Schifano.

Independent claim 34 is patentable over the prior art because none of the references teaches or suggest an intravaginal device including “a first occluding member having a first elongated shaft with a proximal end and a distal end, a first occluding element secured to the distal end of the first elongated shaft, the first occluding element having a first pressure applying surface at a distal end thereof, and a first extending actuator coupled with the first occluding element for selectively moving the first pressure applying surface distally away from the distal end of the first elongated shaft.” Claims 35-40 are patentable, *inter alia*, by virtue of their dependence from claim 34.

Independent claim 41 is patentable over the prior art because none of the references teaches or suggests an intravaginal device including “a first occluding member having a first elongated shaft and a first occluding element secured to the distal end of the first elongated shaft, the first occluding element having a first pressure applying surface at a distal end thereof, and a first extending actuator coupled with the first occluding element for selectively moving the first pressure applying surface between a first position closer to the proximal end of the device

and a second position further away from the proximal end of the device."

Independent claim 41 is also patentable over the prior art because none of the references teaches or suggests an intravaginal device including "a second occluding member having a second elongated shaft pivotally connected with the first elongated shaft, the second occluding member having a second occluding element secured to the distal end of the second elongated shaft, a second pressure applying surface at a distal end thereof, and a second extending actuator coupled with the second occluding element for selectively moving the second pressure applying surface between a first position closer to the proximal end of the device and a second position further away from the proximal end of the device." Claims 42-46 are patentable, *inter alia*, by virtue of their dependence from claim 41, which is patentable for the reasons set forth above.

As it is believed that all of the rejections set forth in the Office Action have been overcome, favorable reconsideration and allowance of the present application is earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that she telephone Applicants' attorney at (908) 689-8700 in order to overcome any additional objections that she may have.

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Respectfully submitted,

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